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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 8 of the provisional agenda

# QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

## Written statement submitted by the International Federation of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 March 1997]

## Situation of human rights in Lebanon

1. The International Federation of Human Rights (FIDH) and its partner organizations in Lebanon continue to be very concerned about the human rights situation in that country and wish to draw the attention of the Commission on Human Rights to the events of recent months.

2. In December 1996, the Lebanese intelligence services carried out mass arrests of at least 50 opposition members or presumed sympathizers, together with human rights workers, in and around Beirut and in Tripoli. The reasons given to justify these arrests (attack on a Syrian minibus, distribution of tracts "detrimental to Lebanon's relations with a friendly country" i.e. Syria, or "intelligence activities with agents of the Israeli enemy") are simply pretexts. The true reasons are political. Furthermore, many irregularities were committed in making these arrests. All of the individuals concerned were arrested without warrants and the intelligence services refused to disclose their identities and cited "oral arrest warrants". Many of the arrests were carried out at night and were accompanied by searches without warrants of the homes and offices of the persons arrested. These persons were taken to the Ministry of Defence, despite the fact that they are civilians and

that the Ministry should in principle be used for the interrogation of military personnel only. Two of the persons arrested were brought before a military court, despite their civilian status. Most of them remained in custody for several days, although by law this period is limited to 24 hours, renewable once. They were not allowed to see a lawyer or any members of their families. Finally, although no charges could be made against many of them, some were subjected to intense physical and psychological duress. Others reported being tortured, including by the "banana" method (being strung up by the arms which are tied behind the back), contrary to the legal norms and procedures required by law and by the international conventions to which Lebanon is a party, and contrary to the statements made by the public prosecutor of the Court of Cassation, Mr. A. Addoum, on the legality of the judicial proceedings.

3. This wave of arrests is further evidence of the Lebanese authorities' determination to control any form of opposition by terror (arrests which are more like kidnappings, deprivation of freedom for unlimited periods, detention incommunicado, physical and psychological duress, unlawful entry, etc.) There are fears that plans are currently being made to impose still more restrictions on fundamental rights and public freedoms and to further increase the powers of the military tribunal pursuant to the government policy of daily passing laws which reduce the freedom of Lebanese citizens to virtually nothing.

4. Human rights workers are particularly threatened in Lebanon. It is reported that, at a recent inter-Arab ministerial meeting, it was decided among other things to "get hold" of the human rights protection organizations in the countries concerned, to "settle their hash" and to urge the northern countries to end the support provided by some of them to Arab NGOs concerned with the protection of human rights: further evidence - if any were needed - of the imperative need for international protection of the freedom of action of human rights workers.

5. Under the "fraternity, cooperation and coordination" treaty concluded between Syria and Lebanon since the end of the war in 1990, the Lebanese Government permits the Syrian Army to arrest its citizens and hold many of them incommunicado in Syria. The President of the Lebanese Republic recently admitted that 210 persons had been arrested in this way, although this figure is well below the estimated thousands of Lebanese citizens who disappeared during the war, and have not been heard of since. It is likely that many of them are in Syria. FIDH is supporting a campaign for their release. Moreover, the Lebanese Government confines itself to making verbal protests, where necessary, when civilians are abducted by Israel or when the worst outrages are committed against Lebanese held in prisons under Israeli control.

6. According to information received from the Committee for the Support of Lebanese Prisoners in Israel at the beginning of this year, the administrative detention of 18 Lebanese prisoners held in Ramlah prison in Israel (some of the 50 or so kidnapped in Lebanese territory) is being extended. Eleven of them finished serving their sentences years ago, while the seven others have spent seven years in detention without ever having been sentenced. They are Bilal Dakroub, Mohamed Yassine, Ali Ammar, Kamal Rizk, Hassan Hijazi, Abdelhassan Srour, Abbas Srour, Ahmad Srour, Youssof Srour, Hossein Daqdouq, Hassan Tleis, Ahmad Taleb, Ahmad Jalloul, Hossein Ahmad, Hossein Rmeitti, Hachem Fahs and Ahmad Obeid.

7. Furthermore, of the 9 prisoners released from Khiam prison (where 150 persons are still being detained without having being tried or sentenced) in recent weeks, one, named Mohamad Mahmoud Ramadan, 31 years old and a native of Yarine, in the border strip from which he was kidnapped, was released more dead than alive. He had suffered the most appalling tortures and had been kept in solitary confinement for three years. He suffers from fainting spells, palpitations resulting from the electric shocks to his genitals and periods of depression. He also lost an eye and an arm and has a burst eardrum. He also lost his memory and had to be hospitalized on several occasions. He refused to eat or wash and tore up letters from his family. To prevent him from dying in prison, he was released and admitted to a hospital in Beirut, where he continued to refuse treatment and threatened to throw himself out of a window, as well as being unable to recognize his family.

8. Other Lebanese prisoners could suffer the same fate and the Committee which supports them is calling for an international fact-finding mission to be sent to Khiam prison to investigate Mr. Ramadan's case. The Committee is also calling for the immediate release of all prisoners who are gravely ill, such as: Lafi El-Masri, Ni'mat Bazzi, Hossein Mardi and Ali Hijazi.

9. FIDH calls for the immediate release of Lebanese prisoners from prisons under Syrian and Israeli control and for the observance of human rights by the occupying Powers. It draws the attention of the Commission on Human Rights to the breakdown of the justice system and the excesses of the authorities which continually infringe fundamental freedoms in Lebanon.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV)

[27 March 1997]

## Situation of human rights in Turkey

1. The International Federation of Human Rights (FIDH) and its affiliate in Turkey, the Association for Human Rights (IHD) deplore the deterioration of the human rights situation in Turkey in 1996.

2. A striking development has been the Public Statement on Turkey issued on 6 December 1996 by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In the preamble, the Committee recalls that, in its previous statement on Turkey in 1992, it had recommended various measures for improving the situation and ensuring that acts of torture in police custody ceased and were prosecuted if they persisted. The Committee notes, however, that the situation has not changed, the practice of torture in police custody remains widespread and that those committing acts of torture appear either to enjoy complete immunity or to be regarded with bewildering indulgence by public prosecutors. The Committee stresses that, contrary to the statements by the authorities, cases of torture are not isolated incidents but concern both political and ordinary prisoners, which confirms that it is a widespread practice.

3. Although circulars have been issued to the police by the responsible ministry, reminding police officers of their obligations, such as respect for human integrity and dignity, investigations conducted by the Committee in Turkey up to the end of 1996 showed that these circulars had remained dead letter and that failure to comply with them was not penalized in any way. It would be ill-advised of the authorities to attempt, as they are wont, to deny these irrefutable observations based on first-hand accounts, on-the-spot medical examinations and inspections of places of detention in several Turkish towns. The attitude of the Turkish authorities also raises serious doubts, as, although they may give a number of undertakings at the urging of the European authorities, those undertakings are seldom honoured.

4. While acts of torture and ill-treatment are reported and measures such as allowing any person in custody to be examined by a doctor if he so wishes are recommended to put an end to them, the Human Rights Foundation, which provides medical and psychological assistance to torture victims, is continually being prosecuted at the instigation of the Ministry of Foreign Affairs. It is taken to court either for non-compliance with the laws governing foundations or for offences against national security, on the grounds that the reports which were published contained allegations of imaginary acts of torture.

5. In the autumn of 1996, the Ministry of Foreign Affairs, seeking to persuade the international community that the necessary measures to improve the situation were being taken, announced a bill providing for significant reductions in the length of the custody period, including in the south-east regions where a state of emergency is still in force. However, as of March 1997, the bill had still not been voted on by Parliament.

6. It is impossible to give an exhaustive list of the many victims of ill-treatment and torture throughout Turkey, or of the virtual impunity or indulgence enjoyed by those responsible. However, two recent cases illustrate all too clearly that, far from improving, the situation has actually deteriorated. In January 1995, a number of Manisa high school students who sympathized with the extreme-left DHKP - C group were arrested by the police for the minor offences of distributing political tracts and writing slogans such as "down with fascism" on the school walls. While in custody, they were subjected to extremely brutal torture and forced to confess to acts more serious than those for which they had been arrested and which they had not, of course, committed. The acts of torture were officially authenticated, forcing the authorities to open an investigation of the police officers responsible. In January 1997, although the police officers had not yet been tried and were still at liberty, the schoolchildren were brought before the Izmir Security Court and given unbelievably heavy sentences on the basis of confessions extracted under torture. Five of them were sentenced to 12 years' and 6 months' imprisonment, one to 3 years and 9 months and four to 2 years and 6 months.

7. In July 1996, the trial of the 48 police officers charged with having delivered fatal blows to the 27-year-old journalist, Metin Götkepe, while he was in custody in January 1996, opened before the Istanbul Assize Court. None of the accused, not even the 11 facing the most serious charges, were ever placed in pre-trial detention. None of them saw fit - or was subsequently

summoned - to appear in court on the opening day of the trial. Moreover, for security reasons, the Istanbul Court was compelled to relinquish jurisdiction to the Aydin Court. The Aydin judges in turn decided that they could not hear the case and referred it to the Afyon Assize Court. At the opening session on 22 November 1996, the proceedings were adjourned sine die and were finally opened on 9 February 1997, in the absence of the accused, who again had not seen fit to appear in court. The lawyers of Metin Götkepe's family requested the assistance of European lawyers. The defence opposed this on the grounds that the presence of their European colleagues in the court would be contrary to the national interest. The proceedings were again adjourned until April 1997 without the substance of the case being taken up.

8. Ninteen ninety-six was also unquestionably one of the most bloody years in the prisons. Between January and November 1996, 21 prisoners were beaten to death by prison officers and 10 died as a result of altercations with fellow prisoners. In addition to this already heavy toll, 12 prisoners died in July 1996 as a result of their hunger strike which the intransigence of the authorities failed to prevent. Finally, in September 1996, 10 prisoners were killed and 24 others seriously injured in a crack-down by security forces in Diyarbakir Prison.

9. Also in 1996, the number of disappearances again increased, with more than 200 cases being reported in a single year. The marked decline in extrajudicial executions is therefore no cause for celebration, as it has been replaced by this new method of elimination. No steps were taken by the authorities to conduct the investigations which the recurrence of such incidents warranted.

10. Last year also saw increases in the number of convictions of journalists, writers and intellectuals simply for having written or spoken on sensitive issues such as the Kurdish question, the armed conflict in the south-east or the role of the army. While article 8 of the anti-terrorist act has admittedly been used less often as an instrument of repression since it was amended, repression itself has nonetheless not declined, as the body of legislation on freedom of expression and opinion makes it possible to find alternative penalties. Yachar Kemal's suspended sentence of 20 months' imprisonment perhaps typifies most clearly this repression, which is unacceptable in a State calling itself a democracy. Yachar Kemal is someone of whom Turkey could be proud and his only fault was, like the others, to have written an article demanding the elementary freedoms of a democracy.

11. Nor are human rights activists spared. They are continually being prosecuted, the most frequent charge being the now catch-all one of offences against national security. For example, the President of the Diyarbakir section of IHD, who is actually a lawyer, was brought before the Security Court charged with deliberately endangering national security by preparing an appeal to the European Commission of Human Rights for a Turkish citizen. In addition, Akin Birdal, as President of IHD and a human rights activist, is currently facing about 10 charges of crime of opinion. The bewildering refusal of the Turkish authorities to receive representatives of international human rights NGOs is clear evidence of their deliberate unwillingness to move

forward on this issue. As the statement of the European Committee for the Prevention of Torture shows, there is every indication that the Turkish Government believes that it can get away with promises to its international partners and to governmental organizations.

12. FIDH and IHD deplore the fact that Turkey persists in invoking the charge of offences against Turkish national security as its only response to criticisms of its human rights record. We believe that such action deprives Turkey of all credibility, demonstrates its inability to justify the unjustifiable and displays its contempt for conventions which it has itself ratified.

13. While welcoming the visit to Turkey by the Commission on Human Rights Special Rapporteur on freedom of opinion and expression, FIDH and IHD believe that this should be a first step towards Turkey's acceptance of other special Commission on Human Rights procedures, in particular the requests to visit Turkey by the Special Rapporteur on extrajudicial, summary and arbitrary executions, the Special Rapporteur against torture and the Working Group on Enforced or Involuntary Disappearances. FIDH and IHD urge the Turkish authorities to invite them to visit Turkey without delay.

14. They call on the Commission on Human Rights to most firmly condemn human rights violations in Turkey and to set up machinery to monitor the human rights situation in that country.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 March 1997]

Situation of human rights in Colombia

1. The International Federation of Human Rights (FIDH) would like to draw the attention of the Commission of Human Rights to the following statement, which has been endorsed by 92 Colombian non-governmental organizations and social sectors, including two which are FIDH member organizations:

"1. At its fifty-second session, the Commission on Human Rights, in a statement by the Chairman read out on 23 April 1996, expressed deep concern about the serious human rights situation in Colombia. On the basis of reports submitted by the thematic rapporteurs and working groups, it expressed concern about violations of the right to life, the large number of disappearances, the persistence of the practice of torture, as well as its total disagreement with the very high level of

impunity for the perpetrators of all such violations. The Commission highlighted the need to strengthen the rule of law by excluding the investigation and trial of such violations from the competence of the military courts and by limiting the competence of the courts of regional jurisdiction, so as to ensure full respect for internationally recognized judicial guarantees.

2. Accordingly, in the statement the Commission on Human Rights requested the United Nations High Commissioner for Human Rights (UNHCHR) and the Government of Colombia 'to establish at the earliest possible date a permanent office in Colombia with the mandate to assist the Colombian authorities in developing policies and programmes for the promotion and protection of human rights and to observe violations of human rights in the country, making analytical reports to the High Commissioner'. It also requested the High Commissioner to report to the Commission at its fifty-third session on the setting up of the office and on the activities carried out by it in implementing the above mandate (E/CN.4/1996/177, para. 24).

3. Prompt establishment of the UNHCHR permanent office operating within the parameters set out in the statement and in the agreement signed between UNHCHR and the Government of Colombia on 29 November 1996 continues to be our priority this year. We are convinced of the need to sponsor the valuable initiative concerning the office and of collaborating with its work in Colombia. In this way, the office will be of significant support to the international community in overcoming the human rights violations and the political violence in the internal armed conflict and in contributing to the campaign against impunity and authoritarianism in Colombia.

4. It is a matter of concern, however, that 1996 - like previous years - should also have elapsed without the United Nations taking the requisite action in Colombia to help overcome the human rights crisis, despite the Commission's obvious concern, because of obstacles of various kinds. The objective fact is that the office was not established 'at the earliest possible date', as was required by the seriousness of the situation and as was stipulated in the statement by the Chairman. The office will only start to operate at the time the Commission on Human Rights meets again for its fifty-third session, in other words, a good year after the decision to establish it, and in 1997 the Commission will be unable to receive an analytical report on the human rights situation in Colombia.

5. It is important to point out that, in 1996, the human rights situation was still very serious and even deteriorated in some respects, particularly because of the consolidation and extension of a paramilitary strategy, reinforced by the establishment and the spread, with government backing, of the Rural and Urban Security Associations and Cooperatives (CONVIVIR), which legalise the paramilitary groups. Again, the situation grew worse because of other government policies against human rights, such as the misuse of the state of emergency, the promotion of an authoritarian-type constitutional counter-reform, and the insistence on improperly extending the jurisdiction of the military

courts so as to favour impunity. Furthermore, there were still many cases of internal displacement, of turning social protest into a crime, and of violence against young people and the marginalized sectors of society.

6. The deterioration in the conditions and quality of life of most of the population of Colombia, in other words, the adverse impact on opportunities for enjoying their economic, social and cultural rights, continued to be the main source of violations of civil and political rights, chiefly among the indigenous and Afro-Colombian communities, and among women and children. Furthermore, trade union rights were frequently denied or curtailed by business companies and by the State.

7. It is also very disturbing that the situation has tended to deteriorate still more in 1997. Every year that the United Nations delays in taking concrete action to cope with this situation, more than 3,000 people die for political or ideological reasons, and there is total impunity, and the amount of people forced to move, on account of the political violence, increases by nearly 180,000. The sectors that have been most affected include peasants, trade unionists, opposition political activists, and the indigenous inhabitants. Similarly, there has been a significant increase every year in the number of human rights defenders who have been threatened, harassed, taken to court, have disappeared or have been executed because of their work on behalf of the rights of the victims. International monitoring and collaboration are essential to overcome the acute crisis in human rights and humanitarian law in which the country has been plunged for more than 10 years. The Commission on Human Rights should, above all, reiterate this year its profound concern about the immensely serious situation in Colombia and the fact that it has persisted for so long.

8. Strengthening the work of the UNHCHR office for Colombia is our main goal and we fear that various obstacles could impede its activity in 1997. Yet another year without a close look at the crisis in Colombia would be a serious omission on the part of the United Nations. Further bureaucratic or political complications could arise at any time and would clearly be prejudicial to the victims. Sectors opposed to the office have announced their intention of taking proceedings in court to cancel the agreement between the Government and the High Commissioner on the grounds that it has not been submitted for approval by the Congress of the Republic. For all these reasons, at its forthcoming session the Commission on Human Rights should establish a supplementary mechanism to assist the office and act as a guarantee, in the event of any serious difficulty, that an analytical report will be submitted for consideration at the fifty-fourth session, in 1998, thereby avoiding a repetition of the lamentable vacuum caused this year because the office has not managed to enter into operation.

9. Furthermore, the Commission should make a strong appeal to the Government of Colombia to refrain from encouraging initiatives which are obviously contrary to universal human rights standards and to the specific recommendations for Colombia formulated by international bodies, such as removing controls over states of emergency and granting

judicial powers to the military forces, which are contained in the proposed constitutional reform still being backed by the Government.

10. Accordingly, Colombian human rights and social organizations request the Commission on Human Rights at its fifty-third session:

(a) To reiterate its concern about the serious human rights situation in Colombia and express alarm at the persistence and deterioration in that situation in 1996; and also the step-up in paramilitary activity and the Government's support for the CONVIVIR associations and the increase in the threats and attacks against opposition political and social organizations and against defenders of human rights;

(b) To urge the Government to adopt effective and urgent measures to combat the action of paramilitary, legal or illegal groups that threatens and infringes human rights, including the derogation of Decree No. 356 of 1994, which established the CONVIVIR associations and the investigation, trial and sentencing of members and leaders of such groups;

(c) To express concern at the escalation of the internal armed conflict and to call on the Colombian Government to formulate a peace policy which will allow for a negotiated settlement;

(d) To urge the Colombian Government to observe a domestic policy of respect for and protection of human rights in keeping with the offers of cooperation it has extended to the international community and, pursuant to its international obligations, to exclude from the jurisdiction of the military courts the investigation of human rights violations; it also urges it to refrain from misusing the state of emergency and to promote plans for counter-reform of the Constitution and to refrain from any other initiative contrary to international recommendations already formulated for Colombia and from granting judicial powers to the military forces in connection with private individuals;

(e) To express solidarity with the victims of human rights violations and of breaches of humanitarian law committed in 1996 in Colombia, some of which could have been prevented or mitigated if a permanent office of the High Commissioner had been established in Colombia 'at the earliest possible date', as requested in the statement adopted by consensus on 23 April 1996;

(f) To reaffirm the mandate assigned to the office, to strengthen it and to appoint a person with high personal and professional qualifications as a supplementary mechanism for the office and, as a precautionary measure, to guarantee that if any serious circumstance prevents the office from functioning, to prepare and submit a report to the Commission in 1998 on the human rights situation in Colombia."

Bogotá, 25 February 1997

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Agenda item 9

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Written statement submitted by the Baha'i International Community, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 April 1997]

United Nations Decade on Human Rights Education

1. One of the most striking features of this century is the transformation technical and scientific advances have brought to all forms of human interaction. Modern means of travel and communications have contracted our planet, and created a global web of commerce, migration and intellectual and scientific exchange that has made discussions of global interdependence commonplace.

2. Despite the overwhelming evidence of our interdependence and increased contact with diverse peoples, differences of culture, language and religion are still considered grounds for suspicion and hostility. Even in countries where people of different faiths and ethnic backgrounds have lived side by side for generations, ancient rivalries and suspicions lurk just below the surface, ready to erupt with disastrous consequences for human rights.

3. To defuse these conflicts and to protect human rights a new foundation of universal understanding - a new framework of values within which diversity is seen not as a threat but as an aspect of our common humanity - will be required. Laying this moral and ethical foundation for what some have referred to as "a universal culture of human rights" is one of the most important aspects of human rights education.

4. In the Baha'i view, the foundation of universal understanding and, therefore, for human rights education is the oneness of humanity, a spiritual principle amply confirmed by all the sciences. Anthropology, physiology and psychology recognize only one human species, albeit infinitely varied. If we see ourselves as members of one human family, interconnected and interdependent, we will be unable to violate the rights of another member of that family without feeling the pain ourselves.

5. Violations of human rights are sometimes a misguided expression of loyalty. Human rights education, by applying the principle of the oneness of humanity, can help people to see that loyalty to a large entity does not necessarily conflict with loyalty to a small entity. We live and work in many social units and institutional environments, often nested one within the other, that are complementary and often mutually supportive. Love of one's country does not preclude love of family or community; rather, it enlarges the circle of relationships.

6. The enlargement of social organization from clan to nation State has opened new opportunities for the expression of human capacity, as it has expanded the circle of those deemed deserving of recognition and respect. For stability in any social organization, the rights of all, including minorities need to be respected. Current conflicts in Africa and in Europe involve gross violations of human rights, some based on ethnicity, others on religious belief, which are destructive of the foundations of society. The evolution of ever-larger circles of organic relationships and interactions now embraces the entire planet. As we educate our children to accept diversity as part of the human condition and to extend respect and full human rights to the entire human family, civilization will benefit from an unimaginable wealth of contributions.

7. In that respect, human rights education could be considered basic education for life in the modern world. According to the International Commission on Education for the Twenty-First Century, learning to live with others, which necessitates respecting their rights, is one of the major issues in education today. The Commission also points out that children and youth are coping with special tensions that come from living in a contracting and interdependent world. Among them are the tension between the global and the local: people need gradually to become world citizens without losing their roots; the tension between the universal and the individual: culture is steadily being globalized, but as yet only partially; and the tension between the spiritual and the material. Human rights education grounded in the principle of the oneness of humanity, can provide children and youth the tools and the philosophical framework to enable them to resolve those tensions for themselves.

8. Religion has an important role to play in human rights education. In his report on the preparation of a plan of action for a United Nations Decade for Human Rights Education, the Secretary-General noted that the Vienna Declaration and Programme of Action stated that "Education should promote understanding, tolerance, peace and friendly relations between nations and all racial and religious groups" (A/49/261/Add.1-E/1994/110/Add.1, para. 6). Historically, religion has always shaped the laws and social values that determine how individuals treat each other. The Secretary-General also called for education directed to "the full development of the human personality and the sense of its dignity" (para. 15 (b)). Religion teaches people who they are and why they are here and calls them to transcendence and service. "Noble have I created thee", Baha'u'llah asserts, "yet thou hast abased thyself. Rise then to that for which thou wast created". Religious convictions empower individuals to confront their own character defects, to root out undesirable behaviour, and to cultivate such virtues as truthfulness, compassion, trustworthiness and generosity. These spiritual qualities - taught by all religions - are conducive to nobility and to respect for the rights of others.

9. The worldwide Baha'i community has historically been a strong supporter of United Nations human rights programmes and activities. In 1947 Baha'is presented a statement on human obligations and rights to the newly formed United Nations Commission on Human Rights. As soon as the United Nations established 10 December as Human Rights Day, national and local Baha'i institutions began planning commemorations. Over the years, Baha'is have circulated widely the Universal Declaration of Human Rights in a number of languages. When the United Nations adopted conventions implementing the various articles of the Universal Declaration, Baha'i communities worldwide disseminated these documents, held public meetings to explain them and, in some cases, participated in efforts in their countries to ratify them.

10. The Baha'i International Community has invited all 174 national Baha'i councils to lend their support to the United Nations Decade for Human Rights Education.

11. Finally, it is important to bear in mind that changing attitudes and values after they are formed is inevitably a difficult and gradual process. Therefore, human rights education efforts should be concentrated on reaching children and youth, who are still in the process of forming the values that will shape their lives. Instilling in our children respect for themselves and others, recognition of the oneness of humanity, appreciation of unity in diversity, and a sense of citizenship in a world community will be the best guarantee of improved protection of human rights in the years to come.

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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 April 1997]

1. In the light of convincing evidence that the Government of Japan and the Japanese Immigration Control Bureau, by acts described below, have violated the International Covenant on Civil and Political Rights (ICCPR) and the principles established with respect to the treatment of persons deprived of their liberty, the Immigration Review Task Force, a non-political, non-governmental and non-profit organization, in cooperation with the International Fellowship of Reconciliation, respectfully requests the Commission on Human Rights:

(a) To initiate as soon as possible investigations concerning such cases of human rights violations by the Government and authorities of Japan, and to urge the Government of Japan to take corrective measures, including the amendment of laws as necessary.

(b) To urge organs and agencies of the United Nations, and non-governmental organizations to initiate as soon as possible investigations concerning such human rights violations by the Government and immigration authorities of Japan.

2. According to the Japanese Immigration Control and Refugee Recognition Act (hereinafter, the Japanese Immigration Law), an alien may be arrested and detained when a reason for his/her deportation exists. The same Law is interpreted as providing that aliens who are to be deported must be detained first. Thus, all aliens who are deported are detained by the immigration authorities.

3. Over the past two to three years, approximately 60,000 aliens in Japan have been deported by the immigration authorities. However, the immigration authorities have not duly respected and ensured the rights provided for in the ICCPR to aliens who have been arrested and detained by them.

Violations of article 9.4

4. Under the Japanese Immigration Law (s. 39) when reasons for deportation are recognized to exist, an alien may be arrested and detained after a warrant for his arrest and detention has been issued by a high ranking inspection officer of the Immigration Control Bureau. However, the fact that an alien may be arrested and detained simply when an official of an administrative branch of the Government who is posted within the Immigration Control Bureau issues a warrant for such purposes, and that the role of a court of justice is not recognized in the course of these proceedings, constitutes a violation of article 9.4 of the ICCPR.

5. Further, article 9.4 states that "anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention ...". However, there are no provisions in the Japanese Immigration Law which respect or ensure this right. That is to say that although an alien who has been deprived of his or her liberty under the conditions described in the preceding paragraphs, may contest the validity of the detention order issued against him/her by filing an objection in a court of the government administration, the Japanese Immigration Law does not provide that such an alien must be informed of his or her right to pursue such proceedings. As the majority of aliens in Japan are unfamiliar with Japanese laws, it is essential that there should be a systematic procedure whereby they may be informed of their fundamental rights in instances of arrest and detention. Thus, by association, the right of anyone deprived of his liberty to appeal to a court of justice "without delay", is not respected and ensured satisfactorily under the Japanese Immigration Law.

6. Likewise, the Japanese Immigration Law fails to give effect to the Covenant in that the law does not respect and ensure that aliens are informed of their right to have legal assistance. Although aliens deprived of their liberty may have legal assistance to defend and protect their rights, they are not informed of this right. As such, article 9.4 is infringed.

Violations of article 9.1

7. Moreover, according to the present Japanese Immigration Law, an alien who has been issued a "deportation order" may be detained for an "indefinite period of time" by the immigration authorities. During this indefinite period, an alien is not "entitled to take proceedings before a court, in order that that court may decide without delay the lawfulness of his detention". When detention is to be terminated and when deportation is to be executed is left to the discretion of the Immigration Control Bureau. Accordingly, unlawful situations arise wherein aliens are detained for an unreasonable and lengthy period of time (cf. Carballal v. Uruguay).

Violations of article 17

8. In addition, aliens deprived of their liberty are strictly restricted in receiving correspondence, and telephone calls from the outside. In some facilities, telephone calls to and from the outside are prohibited, and postal correspondence is censored or withheld. This type of interference is arbitrary or unlawful, as it exceeds normal restriction imposed for the maintenance and purpose of detention.

Violations of articles 7 and 10.1

9. Numerous cases of physical and sexual assault of aliens under detention by immigration officers have been reported. These assaults have occurred in a repeated and systematic manner, according to a complaint made by an immigration officer. The officer stated that groups of several immigration officers have carried out collective assaults against aliens. On one occasion, several officers collectively kicked and beat the face, head, shoulders and legs of a woman who was being detained, while a large number of officers who were present at the time witnessed and did nothing to stop the assault, he said.

10. According to other testimonies, male immigration officers have solicited female detainees to take off their clothing in front of them, have sexually harassed the women by touching their breasts and other parts of their bodies, and have raped the women. This type of conduct clearly amounts to "cruel, inhuman or degrading treatment".

11. Also at immigration detention facilities, humanitarian problems include but are not limited to the use of solitary confinement cells as punishment measures, the arbitrary refusal of outdoor exercise to detainees, and the inadequacy of medical facilities and lack of proper care and treatment.

Violation of article 13

12. Article 13 is violated when aliens who are lawfully in Japan, are arrested, detained and issued with a deportation order on the basis of alleged misconduct determined by the Japanese Penal Code, and when they are deported before they have had the opportunity to submit arguments against their e::pulsion and to have their case reviewed by, and be presented for that purpose before, the competent authority.

Conclusion

13. Clearly, practices and policies relating to deportation procedures as carried out by the Japanese immigration authorities violate articles 7, 9.1, 9.4, 10.1, 13 and 17 of the ICCPR. Despite efforts made by the Immigration Review Task Force to request the Government of Japan and the Immigration Control Authority to remedy these situations, neither institution has done so and they have allowed these situations to remain unchanged. Therefore, we respectfully request the Commission on Human Rights to initiate investigations concerning these situations and to urge the Government of Japan to remedy these situations as soon as possible.

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